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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,733

10/02/2003

Gintaras A. Vaisnys

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EXAMINER

ALTER, ALYSSA M

ART UNIT

PAPER NUMBER

3762

MAIL DATE

DELIVERY MODE

02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,733

Applicant(s)

VAISNYS ET AL.

Examiner

Alyssa M. Alter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment made in an alternative view of Chesley et al. (US Patent Publication 20030023274).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 7-8, 12-13, 16-17, 19-21 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chesley et al. (US Patent Publication 20030023274). Chesley et al. discloses an automated external defibrillator 10, an electrode package 22 and a storage compartment 20, or storage slot to house the electrode package 22. The storage slot is formed on the exterior of the AED, between the exterior face of the rear panel and an interior face of the plate as seen in figures 2 and 3. To further clarify, the examiner considers the front panel to be the top of the AED visible in figures 5 and 6, and the rear panel to be the bottom half of the casing 12.

"As best seen in FIG. 3, the AED 10 further includes an internal storage compartment 20 for storing a second electrode package 22, which is identical to the first

electrode package 16 in form and content”(page 2, paragraph 20). Therefore, since the electrode package 22 is the same as electrode package 16, as depicted in figure 4, the electrode package 22 includes electrode pads, an electrode pad portion and a tab portion.

As to claim 16-17, the enclosure comprises a connector port 36 in the front panel, as seen in figure 5.

As to claim 23, the examiner considers the buttons to be located on the first panel as depicted in figures 5 and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 4-5, 9, 14-15 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chesley et al. (US Patent Publication 20030023274). Chesley et al. discloses an automated external defibrillator 10, an electrode package 22 and a storage compartment 20, or storage slot to house the electrode package 22. Since the electrode package resides in a slot formed from the exterior face of the rear panel and a plate, there would necessarily be a holding device or groove to ensure that the electrode package remain in the slot. Furthermore, since the electrode package contains the cables, there is thus a holding device for the cables.

In the alternative, although the examiner considers Chesley et al. to disclose a holding device or groove for the cables above, it would have been obvious to incorporate a holding device or groove to provide the predictable results of enabling the cables to remain in an organized and accessible manner.

2. Claims 6 and 10-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chesley et al. (US Patent Publication 20030023274). Chesley et al. discloses the claimed invention except for the notch being formed in both the front and rear panels. Chesley et al. depicts in figure 5 that the front panel is the only one with a notch that forms a port when they are connected. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the location of the port, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70 (see MPEP 2144.04)

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chesley et al. (US Patent Publication 20030023274) in view of Barkley et al. (US 5,868,794). Chesley et al. discloses the claimed invention except for the battery pack. Barkley et al. teaches that it is known to utilize a removable battery pack, for the purpose of removing power from the electronic components that provide control to the capacitor bank. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the power source as taught by Chesley et al. with the removable battery pack as taught by Barkley et al., since such a modification would

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enable quick power replacement by switching battery packs instead of recharging the entire AED module.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSSA M. ALTER whose telephone number is (571)272-4939. The examiner can normally be reached on M-F 9am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alyssa M Alter
Examiner
Art Unit 3762

/George R Evanisko/
Primary Examiner, Art Unit 3762